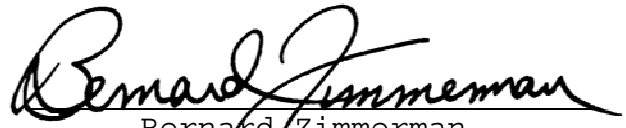


1 (2) That portion of document no. 203, beginning
2 with the words "At the same director's meeting" and
3 ending with the words "Trustee's request for
4 payment of fees" in the next sentence.

5 3. The court finds that all the other disputed
6 documents are protected by the attorney-client privilege or
7 the work product doctrine and are not subject to the
8 fiduciary exception as articulated in United States v. Mett,
9 178 F.3d 1058 (9th Cir. 1999) and Fischel v. Equitable Life
10 Insurance, 191 F.R.D. 606 (N.D. Ca. 2000). Nor was there a
11 waiver when these documents were shared by counsel for the
12 company and counsel for the Moores, given their common
13 interest in the subject matter of the documents.

14 4. Defendants' Production of Documents in Response to
15 the Court's Order shall be filed by the Clerk under seal.

16 DATED: March 7, 2008

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18 Bernard Zimmerman
19 United States Magistrate Judge
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